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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,300	07/31/2003	Nicholas D. McKay JR.	HPA-18702/04	2627

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,300

Applicant(s)

MCKAY ET AL.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12042003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of claims 10 and 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because claim terminology such as "comprises" should be avoided. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 4, 5, 7-9, 12, 13, and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Cox et al. (5,878,457).

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Cox et al. teach an adhesive roller construction comprising: an elongated strip **12**, the elongated strip **12** having a backing layer **14** and adhesive layer **16** overlying one side **18** of the backing layer **14**, the strip **12** having a first end, a second end and two spaced apart sides (see fig. 2), the strip **12** being wound from the first end to the second end into a tubular cylindrical roll **10**, wherein the backing layer **14** comprises a compressible layer (col. 1, lines 66-67).

Regarding claim 4, note the release agent **24** covering at least a portion of the other side **20** of the backing layer **14**.

Regarding claim 5, the release agent **24** comprises silicone (col. 3, line 37).

Regarding claim 7, a fragrance coating (col. 3, line 45) is applied to the backing layer **14**.

Regarding claim 8, an antistatic coating (col. 3, line 46) is applied to the backing layer **14**.

Regarding claim 9, note the perforation lines **26**.

Regarding claims 12, 13, 15, and 16, the backing layer **14** comprises a non-woven electrostatic charge retaining material which is polyethylene (col. 2, line 29).

Regarding claim 17, note the second backing layer **24**.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. **Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. in view of McKay (2002/0144367 A1).

Cox et al. teach perforation lines **26** instead of a cut that terminates short of each side of the strip.

McKay teaches a cut **34** which terminates short of each side of the strip.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Cox et al. with a cut that terminates short of each side of the strip, in light of the teachings of McKay, in order to maintain the retentive longitudinally continuous integrity of the pressure sensitive adhesive tape roll upon the lint remover roller.

7. **Claims 2, 3, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. in view of Thompson et al. (2003/0229958 A1).

Cox et al. teach that the compressible layer is made of a non-woven material such as polyethylene instead of foam.

Thompson et al. teach that foam (paragraph [0031]) is a suitable compressible, backing material **80**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Cox et al. with foam as the compressible layer, in light of the teachings of Thompson et al., in order to provide a resilient support material as suggested by Thompson et al. at paragraph [0031].

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Regarding claims 3 and 14, official notice is taken that it was well known to a person of ordinary skill in the art to use closed-cell foam layers and hydrocarbon gas impregnated foam layers for their resilient and compressive properties.

8. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. in view of Piccini et al. (6,548,136).

Cox et al. teach that the backing layer could contain deodorants, perfumes, antistatic materials, and encapsulated cleaning chemicals. However, Cox et al. do not specifically teach that the cleaning chemical is antimicrobial.

Piccini et al. teach that it is known to use antimicrobial coatings (col. 6, line 28).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Cox et al. with antimicrobial coatings, in light of the teachings of Piccini et al., in order to provide a backing layer with disinfecting properties.

Contact Information

9. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies

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of such papers or other general questions should be directed to Tech Center 3700 Customer

Service at (703) 306-5648, or fax (703) 872-9301 or by email to

CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/



Marc Jimenez
Patent Examiner
AU 3726

MJ

May 19, 2004